

## **REMARKS**

Applicants respectfully request reconsideration of the present application in view of the reasons that follow. Claims 1-37 have been rejected. Claims 1, 13, and 34-35 have been amended. No new matter has been added. Claims 1-37 will therefore remain pending in this application upon entry of this Reply and Amendment.

### **Double Patenting Objections**

On page 2 of the Office Action, the Examiner objected to Claims 31 and 34 under 37 C.F.R. § 1.75 as being substantially duplicate. Claim 34 has been amended. Therefore, the Applicants request withdrawal of the objection to Claims 31 and 34.

### **Claim Rejections – 35 U.S.C. § 102**

On page 2 of the Office Action, the Examiner rejected Claims 1-37 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent App. Pub. No. 2003/0025506, titled “Degradation Degree Computing Method and Unit for Battery” to Arai (“Arai”).

The Examiner stated:

Regarding claim 1, Arai discloses a method for monitoring a battery installed in a vehicle comprising:

utilizing a system provided within the vehicle to determine that a test of the battery should be performed when a first condition is satisfied (see Arai: Paragraphs [0010], [0152]; electrically coupling at least one vehicle load to the battery [see Arai: Paragraph [0015]]; and utilizing the system to analyze the response of the battery to the at least one vehicle load coupled to the battery [see Arai: Paragraphs [0051], [0072]]; whereby the system may be utilized to determine the state of health of the battery [see Arai: Paragraphs [0010], [0168]]).

Regarding claim 35, Arai discloses a system for monitoring a vehicle battery using a method as recited in any of the preceding claims, the system comprising: a battery [13] installed within a vehicle; a system that may be selectively electrically coupled to the battery for carrying out the method; and a vehicle electrical system comprising a plurality of loads [see Arai: Paragraph [0072], lines 1, 1-13; [0147]] that may be

selectively electrically coupled to and decoupled from the battery [see Arai: Paragraph [0072], also see Figure 5].

Arai is directed to a “Degradation Degree Computing Method and Unit For Battery” including a “method and a unit for determining a degradation degree of a battery to supply an electrical power to a load.” See Arai at paragraph 15 and Figure 13. Arai further discloses (at paragraph 15):

The method considers relations among a base resistance, a activation polarization resistance, and a concentration polarization resistance of the battery. A measurement of the battery is made while the battery is kept at a usage position.

The “usage position” is determined when “CPU 23a determines whether the ignition switch has been turned on (step S2).” See Arai at paragraph 153 and Figure 13.

Claim 1 (as amended) is in independent form and recites a “method for monitoring a battery installed in a vehicle” comprising, in combination with other elements, a “first condition” that “relates to at least one of the prior usage of the battery and the current state of the battery.” Claims 2-34 depend from independent Claim 1.

Arai does not identically disclose a “method for monitoring a battery installed in a vehicle” comprising, among other elements, a “first condition” that “relates to at least one of the prior usage of the battery and the current state of the battery” as recited in independent Claim 1 (as amended). The rejection of Claim 1 over Arai is improper. Claim 1 is patentable over Arai.

Dependent Claims 2-34, which depend from independent Claim 1, are also patentable. See 35 U.S.C. § 112 ¶ 4.

The Applicants respectfully request withdrawal of the rejection of Claims 1-34 under 35 U.S.C. § 102(e).

Claim 35 (as amended) is in independent form and recites a “system for monitoring a vehicle battery” comprising, in combination with other elements, a “first condition” that

"relates to at least one of the prior usage of the battery and the current state of the battery." Claims 36-37 depend from independent Claim 35.

Arai does not identically disclose a "system for monitoring a vehicle battery" comprising, among other elements, a "first condition" that "relates to at least one of the prior usage of the battery and the current state of the battery" as recited in independent Claim 35 (as amended). The rejection of Claim 35 over Arai is improper. Claim 35 is patentable over Arai.

Dependent Claims 36-37, which depend from independent Claim 35, are also patentable. See 35 U.S.C. § 112 ¶ 4.

The Applicants respectfully request withdrawal of the rejection of Claims 35-37 under 35 U.S.C. § 102(e).

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It is submitted that each outstanding objection and rejection to the Application has been overcome, and that the Application is in a condition for allowance. The Applicants request consideration and allowance of all pending claims.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

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